

CHAPTER 6

CONDOMINIUMS

ARTICLE 1

CONDOMINIUM PROJECTS

- 14-6-101: Application and Scope
- 14-6-102: Submission of Application
- 14-6-103: Review of Declarations
- 14-6-104: Preliminary Review and Approval by Building Inspector
- 14-6-105: Preliminary Review by Planning Administrator
- 14-6-106: Preliminary Approval by Planning Commission
- 14-6-107: Final Review
- 14-6-108: Final Approval
- 14-6-109: Notice to Tenants
- 14-6-110: Enforcement

14-6-101: Application and Scope. The procedures and requirements of this Article shall apply to and govern the processing and requirements and approval of condominium projects and of condominium record of survey maps. This Article shall supplement other provisions of this Chapter and all other zoning, site development, health, building or other ordinances which may be applicable to the particular condominium project, and shall apply to the approval of condominium projects involving new construction, as well as projects involving the conversion of existing structures. In addition, condominium projects in which units are not contained in existing or proposed buildings shall also be considered subdivisions requiring compliance with applicable provisions of this Title.

14-6-102: Submission of Application. The owner or developer of a proposed condominium desiring approval shall file an application with the Planning Administrator on a form prescribed by the City together with the following:

(1) Two (2) copies of the proposed record-of-survey map accurately drawn to scale as required by Section 57-8-13, Utah Code Annotated 1953, as amended, which [map] shall be made by a registered land surveyor using a scale no smaller than one inch to equal 100 feet. In addition, said map or an additional site plan shall reflect the required floor plans, identifying matters of units, convertible and expandable spaces or areas, and common areas. Said map or plan shall designate the intended use of common areas, and shall indicate whether such common areas are to be open to the public, assigned to specific units or semi-private, being available only to unit owners. Said map or site plan shall also identify and describe in detail the location of existing or proposed driveways, pedestrian ways, curb cuts, walls, structures, fences, landscaping and sprinkling systems.

(2) Two (2) copies, signed in the original, of the proposed condominium declarations and by-laws, together with a copy of the documents recorded after final approval.

(3) For conversion of an existing building proposed as part of a condominium project, a property report required by Section 10-1-105 of this Code shall be submitted as part of the application, together with the plan for proposed improvements and repairs.

(4) Proof of notice to tenants required by Section 14-6-109 shall be required before final approval, but may be submitted at developer's option after preliminary approval is obtained.

(5) To assist the City to defray costs involved with review of the project, a fee shall be paid with the application in accordance with the City's current fee schedule.

(6) Incomplete applications may be proffered and reviewed for advisory comment by the Planning Administrator, but shall not be deemed accepted or received until complete, nor shall the condominium project be scheduled for any hearings before the Planning Commission until the application is complete, excepting only item (4) above.

14-6-103: Review of Declarations. Condominium declarations shall be reviewed by the Planning Administrator to assure an inclusion of provisions which, to the City's satisfaction, address and fix responsibility for the maintenance, upkeep, and repair of common areas, including common walls, electrical, mechanical, plumbing and utility systems, recreational areas, landscaping areas, and parking areas. Also, declarations shall restrict the use of any individual residential dwelling unit to single families as defined by this Title.

14-6-104: Preliminary Review and Approval of Building Inspector. Upon receipt of an application for approval of a condominium project, the Building Inspector shall review the proposed building plans for new construction and in the case of a conversion project the property report and plan of improvement repairs, required by Section 10-1-105 of this Code, to determine if such plans comply with the applicable Building Code. In the case of a conversion, the Building Inspector shall require inspection of the property and may require supplementation, revision, and resubmission of the property report should it be determined that substantial discrepancies exist or inspections indicate report statements are not supported by facts, requirements, or sound construction practices. Upon preliminary review, the Building Inspector shall note corrections, repairs, and replacements which must be made to bring the structure into Code compliance, together with a list of renovation improvements proposed by the developer but not required by the Code. The Building Inspector may recommend denial until such time as existing violations of Code are corrected or may recommend preliminary approval of the project and building report, subject to the condition that violations be corrected prior to final approval.

14-6-105: Preliminary Review by Planning Administrator. The Planning Administrator shall review the application and related documents to determine whether the project conforms to applicable provisions of the Condominium Ownership Act of 1975, applicable zoning ordinances of the zone in which the condominium project is located, the status or extent of non-conforming rights, applicable conditions on the use or building imposed by ordinance, Board of Adjustment variance, conditional uses, or similar restrictions. If the Planning Administrator finds there are violations of applicable zoning ordinances or other requirements, he may recommend denial of the condominium project until such violations have been corrected, or he may recommend preliminary approval subject to the condition the violations be corrected or bonded prior to final approval.

14-6-106: Preliminary Approval by Planning Commission. (1) Upon submission of the reports and recommendations of the Building Inspector and Planning Administrator, the matter shall be presented for consideration to the Planning Commission for preliminary approval. If the Planning Commission finds that approval is recommended by the Building Inspector and Planning Administrator, and that the project is in compliance with applicable zoning, building, health and subdivision ordinances and requirements, the Planning Commission may grant preliminary approval, and it may impose appropriate conditions subsequent as part of its approval. Such conditions may include correction of violations, appropriate amendment to declarations, and the submission of notice of intent to tenants, to be completed prior to final approval.

(2) The effect of preliminary approval shall entitle the owner or developer to proceed with obtaining building permits, giving notice to tenants, and preparing documents for final approval, and to otherwise proceed with the project with all aspects thereof being subject and conditioned upon final approval.

14-6-107: Final Review. (1) After preliminary review, the Building Inspector shall cause the structure to be inspected in the normal course of inspection work being done under permit. Prior to final approval, the Building Inspector shall cause final inspections on all structures and work therein to be completed upon the request of the owner or developer to determine conformance to applicable Building Codes. If the Building Inspector finds remaining corrections, repairs, or replacements which are required to bring the buildings or units into compliance or to complete proposed renovations, the Building Inspector may require completion of such items prior to final approval. However, should the Building Inspector determine plans to correct Code violations or to complete proposed renovations after final approval and as a condition thereof are reasonable and shall not create hazards to the health or welfare of the occupant, the Building Inspector may recommend final approval of the plan; provided the developer files a faithful performance bond, complying with Chapter 6 of this Title, in an amount equal to 125% of the estimated cost of labor and materials, to guarantee corrections of violations of Building Codes or conditions imposed by ordinance. Said bond shall be filed with the final record-of-survey map prior to submission to and approval of the condominium project by the City Council.

(2) After preliminary approval, the Planning Administrator shall be responsible to monitor conditions of preliminary approval to assure compliance therewith prior to presentation to the Planning Commission and City Council for final approval. All violations of existing ordinances or requirements shall be corrected prior to final approval, or shall be completed as a condition of final approval, prior to submission to the City Council, or shall be bonded as provided in paragraph (1) of this Section. The sixty-day (60-day) notice to tenants required by Section 14-6-109 shall commence from the latest date of notice to any tenant and must elapse prior to submission of the condominium project to the City Council for final approval.

14-6-108: Final Approval. Following the review provided for by Section 14-6-107, the matter shall be submitted to the Planning Commission, for final approval. Upon final approval by the Planning Commission, the Planning Administrator shall insure that all conditions of approval have been completed, all final documentation is signed and submitted, including any required bonds or agreements, and then shall submit the matter, together with the recommendation of the Planning Commission, to the City Council for final approval. If the City Council shall determine said project is in conformity with the requirements of applicable ordinances, it shall approve the record-of-survey map. If it should determine said project is not in conformity with requirements or ordinances, or if it rejects any offers of dedication, or if it is not satisfied with plans of a project which constitutes a subdivision, it shall disapprove said map, specifying reasons for disapproval. No final map shall have any force or effect until the same has been approved by the City Council, as reflected by the signature of the Mayor, and is recorded with the County Recorder within eighteen (18) months of the date of the Mayor's signature.

14-6-109: Notice to Tenants. (1) As part of the application for approval of a condominium project, when said project involves the conversion of an existing residential structure, where the structure has been occupied by residential tenants prior to application for conversion, the developer or owner shall provide notice of intended conversion to said tenants by certified mail. This notice requirement shall not apply to non-residential structures or to a residential structure that was vacant upon acquisition by the owner and remains so during the year prior to the filing of the application for conversion; nor shall it preclude the approval of a project where every tenant has executed a waiver relinquishing his or her right of notice under this Section.

(2) Such notice shall include the intention and plans for the conversion of the building to a condominium project; the estimated date of construction and termination of occupancy, which shall not be less than 60 days from the date notice is served upon occupants or expiration of individual leases, whichever is longer; the disclosure of the specific, initial, fixed, sales price for each unit, which shall be no greater than the price initially advertised and offered to the general public.

(3) No final approval of a conversion project shall be granted until the developer has provided proof of service by certified mail or subsequent proof of actual delivery by a method of service allowed under Section 78-36-6, Utah Code Annotated 1953, as amended, of such notices as is required above, and the time designated therein, a minimum of sixty (60) days, has expired.

14-6-110: Enforcement. (1) It shall be unlawful for a person, firm, corporation, partnership, or association to sell or lease any unit of a condominium or any other portion thereof until final plats, in full compliance with the provisions of this Chapter, have been finally approved by the City Council and duly recorded in the Office of the County Recorder.

(2) All departments, officials and public employees of the City, vested with the duty or authority to approve or issue permits, shall conform to the provisions of this Article and shall neither accept application nor approve any permit or license for use, construction, or any other purpose in conflict with the provisions hereof.

(3) Any developer, agent of a developer, owner, successor-in-interest of a developer or owner, tenant, purchaser, builder, contractor, or any other person who violates any of the provisions of this Article or any conditions imposed pursuant to this Article, shall be deemed guilty of a misdemeanor and shall be punished as provided by this Title.

(4) This Article may also be enforced by any means available to the City as provided by Chapter 5 of this Title.